

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:) Confirmation No.: 5231
Tosiyasu L. KUNII) Group Art Unit: 3627
Serial No.: 09/991,953) Examiner: Michael A. CUFF
Filed: November 26, 2001) Attorney Docket: 13826
) Customer No. 001059

For: ELECTRONIC COMMERCIAL TRANSACTION SUPPORTING METHOD AND SYSTEM, AND BUSINESS INFORMATION MANAGEMENT SYSTEM THEREFOR

Mail Stop – Appeal Brief - Patent
Commissioner for Patents
Washington, D.C. 20231
U.S.A.

Dear Sir:

REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellant submits this Reply Brief in response to the Examiner's Answer mailed December 28, 2008.

(i) Status of Claims

Claims 6-17 and 23-25 stand finally rejected by the Examiner as noted in the Final Office Action mailed April 19, 2007. Claims 1-5 and 18-22 are cancelled. The rejection of claims 6-17 and 23-25 is appealed.

(ii) Grounds of Rejection to be Reviewed on Appeal

There are two grounds of rejection to be reviewed in this appeal:

- I. **Whether claims 6-14, 23, and 24 are unpatentable under 35 U.S.C. §103(a) over Bowman et al. (U.S. 6,169,986) in view of Ng (U.S. 6,405,175); and**

- II. **Whether claims 15-17, and 25 are unpatentable under 35 U.S.C. §103(a) over Bowman et al. and Ng in further view of Bauer et al. (U.S. 5,926,816).**

(iii) Arguments

- i. *Rejections under 35 U.S.C. §103(a) over Bowman et al. in view of Ng*

A. Claims 23 and 24

The Applicant thanks the Examiner for the detailed review of the Bowman and Ng references in the Examiner's Answer. However, the Applicant respectfully submits that the Examiner has not indicated any point at which Bowman or Ng or the combination thereof teach or suggest at least the association of a new attribute with a product attribute that is associated with a particular product, as described in the present application and as claimed in independent claim 23.

The Examiner's Answer describes in detail the use of a correlation table in Bowman to associate search terms with other search terms (see, for example, page 4, lines 2-3, page 9, lines 7-11, page 11, lines 9-14) and to update those search terms (see for example, page 5, lines 1-7, page 9, lines 12-19, page 12, lines 10-13). However, Applicant respectfully submits that the Examiner has not shown where these search terms are ever associated with a particular product in the sense of adding a new attribute to that product. Although the additional search terms in Bowman may result in the display of information on products, Applicant submits that the products displayed will only be products that already have an existing attribute reflecting the additional search term. No new attributes will be associated with products themselves.

Based on these clarifications as well as the arguments presented in the Appeal Brief, the Applicant respectfully submits that the Examiner has failed to establish that claim 23 is obvious under 35 U.S.C. §103(a), and accordingly the rejection of claim 23 should be withdrawn. Similarly, the rejection of claim 24 should also be withdrawn.

B. Claims 6, 7, 8, 9, 10, 11, 12, 13 and 14

As clarified above for claim 23 and for similar reasons, the Applicant respectfully submits that the final rejection and the Examiner's Answer has not indicated any point at which Bowman or Ng or the combination thereof teach or suggest at least the element of having the new correspondence relation is corresponded to information on the merchandise selected in concluding the electronic commercial transaction as a new attribute and recorded in the table, as specified in independent claim 6 and described in the present application.

With respect to this ground of rejection, the Examiner's Answer makes reference to

Amazon.com Inc. and the Amazon.com web site at a number of locations (see, for example, page 11, lines 12-14, page 14, lines 3-4, page 21, line 12). Although Bowman does make reference to this specific company and specific web site (see col. 5, lines 7-25 and col. 6, line 8), the Applicant is concerned that the Examiner may be considering the present Amazon.com web site (which is well-known) and improperly applying a hindsight analysis to the present application.

The Applicant does not make any comment on whether or not the present Amazon.com website teaches or suggests the elements of the claims in the present application but is concerned about hindsight analysis based on an incorrect perception of the functionality of the website search system described in Bowman.

Based on the clarifications herein as well as the arguments presented in the Appeal Brief, the Applicant respectfully submits that the Examiner has failed to establish that claim 6 is obvious under 35 U.S.C. §103(a), and accordingly the rejection of claim 6 should be withdrawn. Similarly, the rejection of claims 7-14 should also be withdrawn.

ii. Rejections under 35 U.S.C. §103(a) over Bowman et al. and Ng in further view of Bauer et al.

A. Claim 25

The Applicant respectfully disagrees with the Examiner and relies on the arguments presented in the Appeal Brief.

B. Claims 15, 16 and 17

The Applicant respectfully disagrees with the Examiner and relies on the arguments presented in the Appeal Brief.

(iv) Conclusions

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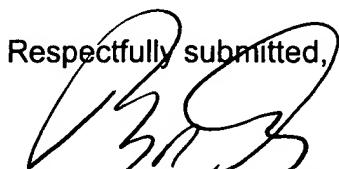
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In light of the foregoing arguments as well as those previously presented in the Appeal Brief, the Applicant submits that claims 6-17 and 23-25 are not obvious under Bowman in view of Ng or Ng and Bauer.

The Honorable Board is respectfully requested to reverse the rejections of claims 6-17 and 23-25 set forth in the final rejection, and to pass this application to issuance.

Respectfully submitted,


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